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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,574	03/01/2004	John D. Mehr	MS307141.1/MSFTP573US	9871

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EXAMINER
HOSSAIN, TANIM M

ART UNIT	PAPER NUMBER
2445	

NOTIFICATION DATE	DELIVERY MODE
11/28/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com
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PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 July 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9,12-35 and 37-41* is/are pending in the application.

4a) Of the above claim(s) *19-35 and 37-41* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7, 9, 12-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/16/08; 10/7/08*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Election/Restrictions

This application contains claims 19-35 and 37-41 drawn to an invention nonelected with

traverse in the reply filed on July 11, 2008. A complete reply to the final rejection must include

cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP

§ 821.01.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-7, 9, 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Glass (U.S. 2005/0060643) in view of Kephart (U.S. 6,732,149).

As per claim 1, Glass teaches a system that facilitates extracting data in connection with

spam processing, comprising: a component that receives a message and extracts a set of features

associated with some part, content or content type of a message (paragraphs 0050-0056); and an

analysis component that at least examines characters within a subject line of the message or at

least examines a content type of the message for spam in connection with building a filter,

wherein the content type is case-sensitive, comprises primary content-type and a secondary-content type, or combinations thereof (0050-0056). Glass does specifically teach that the analysis component examines the consecutiveness of the characters in the subject line. Kephart teaches the examination of the consecutiveness of characters within a spam filtering system (column 13, line 65 - column 14, line 25). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the examination of character consecutiveness, as taught by Kephart in the system of Glass, as this teaching would further enhance the spam filtration process, by adding an additional layer of security. Both inventions are from the same field of endeavor, namely the efficient filtering of unwanted e-mail messages.

As per claim 2, Glass-Kephart further teaches that the analysis component determines frequency of consecutive repeating characters within the subject line of the message (Kephart: column 13, line 65 - column 14, line 25).

As per claim 3, Glass-Kephart further teaches that the characters comprise letters, numbers, or punctuation (Glass: 0050-0056; Kephart: column 13, line 65 - column 14, line 25).

As per claim 4, Glass-Kephart further teaches that the analysis component determines frequency of white space characters within the subject line of the message (Glass: 0050-0056, 0249; Kephart: column 13, line 65 - column 14, line 25).

As per claim 5, Glass-Kephart further teaches that the analysis component determines distance between at least one alpha-numeric character and a blob (Glass: 0050-0056, 0065; Kephart: column 13, line 65 - column 14, line 25).

As per claim 6, Glass-Kephart further teaches that the analysis component determines a maximum number of consecutive, repeating characters and stores this information (Glass: 0050-0056; Kephart: column 13, line 65 - column 14, line 25).

As per claim 7, Glass-Kephart further teaches that the analysis component establishes ranges of consecutive, repeating characters, whereby messages can be sorted by their respective individual count of consecutive repeating characters (Glass: 0050-0056; Kephart: column 13, line 65 - column 14, line 25). Glass-Kephart further teaches scoring the messages based on a similarity calculator (Glass: 0167), but does not specifically teach that the ranges correspond to varying degrees of spaminess. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a specific degree of spam-likelihood, as this teaching is well known in the art of spam filtration. The motivation for doing so lies in the fact that having a degree of likelihood that the message is spam would enable more sophisticated and sensitive filtering, such that potentially legitimate messages need not be filtered as spam, for example.

As per claim 9, Glass-Kephart further teaches that the analysis component compares the content type of a current message to stored content types of a plurality of other messages to facilitate determining whether the message is spam (Glass: 0050-0056; Kephart: column 13, line 65 - column 14, line 25).

As per claim 12, Glass-Kephart further teaches that the analysis component further determines time stamps associated with the message (Glass: 0050-0056; Kephart: column 13, line 65 - column 14, line 25).

As per claim 13, Glass-Kephart further teaches that the analysis component determines a delta between time stamps (Glass: 0050-0056; Kephart: column 13, line 65 - column 14, line 25).

As per claim 14, Glass-Kephart further teaches that the delta is between a first and a last time stamp (Glass: 0050-0056; Kephart: column 13, line 65 - column 14, line 25).

As per claim 15, Glass-Kephart further teaches that the analysis component determines at least one of: a percentage of white space to non-white space in the subject line of the message and a percentage of non-white space and non-numeric characters that are not letters in the subject line of the message (Glass: 0050-0056; Kephart: column 13, line 65 - column 14, line 25).

As per claim 16, Glass-Kephart further teaches that the filter is a spam filter (Glass: 0050-0056; Kephart: column 13, line 65 - column 14, line 25).

As per claim 17, Glass-Kephart teaches the system of claim 1, but does not specifically teach that the filter is a parental control filter. It would have been obvious to one of ordinary skill in the art to include this limitation, as the use of parental control filters is very well known in the art of message filtering. The motivation for the inclusion lies in the fact that parents can prevent their children from receiving objectionable material, which would further enhance the security aims of Glass-Kephart.

As per claim 18, Glass-Kephart further teaches a machine learning system component that employs at least a subset of extracted features to learn at least one of spam and non-spam (Glass: 0050-0056; Kephart: column 13, line 65 - column 14, line 25).

Response to Arguments

The arguments filed on January 7, 2008 have fully been considered, but are not persuasive.

a. The claim amendments do not appear to narrow the scope of claim 1, and in fact, broaden it. The addition of "or at least examines a content type of the message for spam in connection with building a filter…" renders the building of a filter only applicable to when a content type of the message is examined. Further, the claim allows for a situation in which a content type is not examined. As such, the claim is broadened from the original, and therefore is rejected on the same basis as the original.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is (571)272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571/272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tanim Hossain
Patent Examiner
Art Unit 2445

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2445